

IN RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
W/S Falls Road, 2200 ft. NW \* ZONING COMMISSIONER  
of c/1 Broadway Road \*  
11950 Falls Road \* OF BALTIMORE COUNTY  
8th Election District \*  
3rd Councilmanic District \*  
Legal Owner: Robert E. Dold \* CASE # 94-14-SPH  
Lessee: Dennis Peddy \*  
Petitioner \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing, for that property located at 11950 Falls Road in the Hunt Valley area of Baltimore County. The Petition is filed by the property owner, Robert E. Dold and his Lessee, Dennis Peddy. Relief is sought to approve an amendment to the special hearing granted in case No. 89-204-SPH, to permit the addition of a barber shop within the existing facility as a permitted use.

Appearing at the public hearing held for this case was Dennis Peddy, co-Petitioner. Also appearing was Sally Secola, the proprietor of the proposed barber shop. Bruce E. Doak, Surveyor, also participated at the hearing. Mr. Doak is affiliated with Gerhold, Cross and Etzel, the surveying firm which prepared the site plan. The Petitioner was represented by Deborah Dopkin, Esquire. Also present were two representatives from the Falls Road Community Association, namely, A. Douglas McComas and Charles Schmenner. They did not appear in opposition to the request but, as interested persons.

Testimony and evidence presented was that the site is approximately 1.5 acres in area and is zoned R.C.5. The property is improved with three (3) buildings plus a wooden shed. Specifically, in the front of the lot immediately adjacent to Falls Road is a one story frame building known as 11950 Falls Road. This building is very old, having been constructed in approxi-

mately 1915. Presently, it is used as general country store and is well known throughout the area as the Ridge Store. To the rear of the building are two smaller buildings which are used in a lawn care business. They include a block building 40 ft. x 22 ft. which bears the address of 11942 Falls Road and a smaller 10-1/2 ft. x 20-1/2 ft. building. Also, as noted above, a small shed exists to the rear of the property. The balance of the property consists of a parking lot, or is unimproved. It is also to be noted that a stream traverses the property and runs in a north/south direction. The stream and the bridge over same separates the property into the Ridge Store section and the lawn care business section.

As to the history of the site, the property has been used in its present fashion for many years. As noted above, the Ridge Store building was constructed in approximately 1915. Dennis Peddy, the current proprietor, testified as to much of the history of this site. He observed that in the days before significant development in Hunt Valley, the store served as a single location to provide goods and services to the rural residents in the surrounding community. At one time, the facility included an auto repair shop and has also been used as an antique store, as well as providing lawn and garden care products. Further, for many years, the store has served as a small retail outlet, selling food and general houseware type items.

Mr. Peddy noted that he has entered in a tentative lease with Ms. Secola to occupy a portion of the Ridge Store building. Ms. Secola is a master barber presently employed in the Cockeysville area. The proposed improvements to the portion of the building to be leased are shown on Petitioner's Exhibit No. 3. Specifically, Ms. Secola plans to open a barber shop within the building. Three employees, including Ms. Secola, a second barber and a shampoo assistant, will be employed. Although some walk-up

-2-

business can be anticipated, the nature of the site lends itself to appointment business. Further, the shop will be open seven (7) days a week, with limited hours on Saturdays and Sundays. Ms. Secola anticipates approximately 20 customers per day.

The above facts were presented during the hearing and are uncontradicted. The sole issue presented is whether the proposed barber shop operation is consistent with the relief granted within case No. 89-204-SPH and can be allowed. In this respect, review of the decision rendered in that case is helpful. That matter came before then Zoning Commissioner J. Robert Haines in 1988. The matter before Commissioner Haines was a request for approval of a nonconforming use of a country store at the subject location. Zoning Commissioner Haines' Order is well reasoned and fully recounts the history of the property. Additionally, Commissioner Haines addresses the concept of nonconforming uses in Baltimore County. As Commissioner Haines noted, the first formal zoning regulations were adopted and took effect in Baltimore County on January 2, 1945. See Kahl v. Cons. Gas and Elec. Light and Pwr. Co., 191 Md. 249, 254, 60 A2d. 754 (1948). Those regulations provided for nonconforming uses. Moreover, the original regulations provided that a use existing on the effective date of the adoption of same could continue as long as same was not changed or discontinued.

Baltimore County adopted a new set of comprehensive zoning regulations effective March 30, 1955. The issue of nonconforming uses are, likewise, addressed in those regulations. Specifically, nonconforming uses were governed in Section 104 of the B.C.Z.R. which, again, defined nonconforming uses and permitted their continuation under certain guidelines. The 1955 regulations remain in effect, although they have been amended over the years. Presently, a nonconforming use is defined in Section 101 of the B.C.Z.R. as "A legal use that does not conform to a use regulation for the

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zone in which it is located or to a special regulation applicable to such a use. A specifically named use described by the adjective 'nonconforming' is a nonconforming use". Further, Section 104 continues to govern nonconforming uses in Baltimore County. That section provides that said uses may continue provided that the nature of the use does not change or that there is no abandonment or discontinuation of said use for more than one year (See Section 104.1). Further, the regulations go on to provide guidance in the event of destruction or damage to the nonconforming use by fire, or casualty, and expansion of same.

In addition to these regulations, nonconforming uses have been considered by the appellate courts of this State. Perhaps, the leading consideration in the Baltimore County regulations is McKewy v. Baltimore County, Md., 39 Md. App. 257, 385 A2d. 96 (1978). That case fully outlines the history of nonconforming uses and interprets the relevant provisions of the B.C.Z.R. which relate thereto. Of particular note in the Court's opinion, is the comparison of a permissible intensification of an original use versus a prohibited change thereof. This is precisely the issue in this case. That is, if the barber shop is considered merely an intensification of the approved country store nonconforming use, it may be permitted. To the contrary, if it is considered a changed use with a different character, it is not permitted.

In McKewy, the Court offered a 4 prong test to adjudge an intensification versus a change. That test identified the following factors:

"(a) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;

(b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind;

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(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original nonconforming use." See McKewy, page 104.

Based on the testimony and evidence presented, it is clear that the proposed barber shop will not detrimentally affect the health, safety and general welfare of the general locale. There is no evidence that the proposed use will significantly increase traffic to the site, nor cause an overcrowding of the property so as to adversely affect the neighborhood. In fact, to the contrary, it appears that the proposed barber shop will bring a needed and valued service to the residents of this community. Further, it is of note that there will be no exterior construction or enlargement of the existing facilities. That is, a portion of the existing Ridge Store building will be converted for the barber shop. An addition or new building is not proposed. Thus, the proposed use does not conflict with Section 104.3 of the B.C.Z.R. which prohibits expansion of the ground floor area of any building utilized by the nonconforming use to no more than 25%.

The real issue is whether the barber shop is a use of the same character, nature and kind as the country store. Unfortunately, the term "country store" is not defined in the B.C.Z.R. When terms are not defined in the B.C.Z.R., the regulations (See Section 101) refer the reader to Webster's Third New International Dictionary-Unabridged. Therein, "country store" is defined as "a retail store carrying widely diversified goods, supplies and equipment originally for serving a sparsely populated region". The Petitioner avers that this site also has a long history of providing needed services to the community entirely consistent with the type of service provided by the proposed barber shop.

After considering all of the testimony and evidence presented, I am persuaded to agree. As noted above, clearly, the barber shop will not detri-

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mentally affect this community. Moreover, the improvements on the site are not being enlarged. The proposed barbering services appear consistent with the long history of this property. The Ridge Store has served the residents of Hunt Valley for many years with basic goods, services and essentials. It is hard to imagine a more essential service than that provided by a barber shop. Barber shops have occupied a singular place in the tradition of small towns and rural communities. Thus, I find the proposed use entirely consistent with the existing character and nature of the Ridge Store and shall approve the Petition for Special Hearing.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 13<sup>th</sup> day of August 1993 that, pursuant to the Petition for Special Hearing, approval to permit the addition of a barber shop, as a permitted use, within the existing facility known as the Ridge Store, and to amend the special hearing granted in case No. 89-204-SPH, in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED.

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this order has expired. If, for whatever reason, this order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHWIDT  
Zoning Commissioner for  
Baltimore County

LES:mn

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

August 12, 1993

Deborah Dopkin, Esquire  
502 Washington Avenue  
Suite 220  
Towson, Maryland 21204

RE: Case No. 94-14-SPH  
Petition for Special Hearing  
Legal Owner: Robert E. Dold  
Lessee: Dennis Peddy, Petitioner

Dear Mrs. Dopkin:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, in accordance with the attached Order.

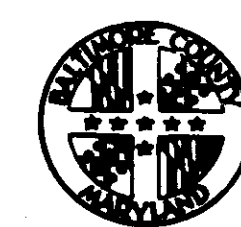
In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this order. For further information on filing an appeal, please contact the Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHWIDT  
Zoning Commissioner  
for Baltimore County

LES:mn

encl.  
cc: Mr. A. Douglas McComas  
Mr. Charles Schmenner, Falls Rd. Community Assn.  
Mr. Bruce E. Doak, Gerhold, Cross and Etzel  
Ms. Sally Secola  
Mr. Dennis Peddy



## Petition for Special Hearing

94-14-SPH  
to the Zoning Commissioner of Baltimore County  
for the property located at 11950 Falls Road  
which is presently zoned RC5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property shown in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 802.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

An amendment to the special hearing granted in case number 89-204SPH to permit the addition of a barber shop within the existing facility as a permitted use.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to send one to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Legal Owner(s)  
Dennis Peddy  
11950 Falls Road  
Cockeysville, MD 21030

Address for Petitioner  
Deborah C. Dopkin  
502 Washington Avenue, Suite 220  
Towson, MD 21204

With an attorney chosen and after, under the provisions of public, that they are the legal owner(s) of the property shown in the subject of this Petition.  
Legal Owner(s)  
Robert E. Dold  
11948 Falls Road  
Cockeysville, MD 21030  
Deborah C. Dopkin (410) 339-7100  
502 Washington Avenue, Suite 220  
Towson, MD 21204

APPROVED LEGAL NOTICE OF HEARING  
the following date: Aug 19-23  
Cah

13

GERHOLD, CROSS & ETZEL  
Registered Professional Land Surveyors  
SUITE 100  
320 EAST TOWSONTOWN BOULEVARD  
TOWSON, MARYLAND 21286-9318  
410-823-4470  
FAX 410-823-4473

July 6, 1993

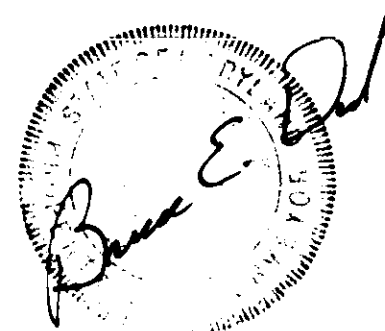
#### ZONING DESCRIPTION

All that piece or parcel of land situate, lying and being in the Eighth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point in the center of Falls Road distant 2200 feet measured northwesterly along the center of Falls Road from the intersection of the center lines of Falls Road and Broadway Road and running thence and binding along the center of Falls Road, the three following courses and distances viz: North 5 degrees 38 minutes West 127.53 feet, North 20 degrees 34 minutes West 61.33 feet and North 31 degrees 22 minutes 38 seconds West 134.10 feet, thence leaving said Falls Road and binding on the outlines of the property of the petitioners herein, the four following courses and distances viz: South 76 degrees 22 minutes West 205.50 feet, South 29 degrees 23 minutes East 163.40 feet, South 11 degrees 57 minutes East 28.11 feet and South 14 degrees 08 minutes East 155.00 feet and thence, North 68 degrees 57 minutes East 194.98 feet to the place of beginning.

Containing 1.5 Acres of land, more or less.

Being the property of the petitioners herein and shown on a plat filed with the Baltimore County Zoning Department.



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#### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: Ed Date of Posting: 7/14/93  
Posted for: Robert E. Dold  
Petitioner: R.E. Dold & Dennis Paddy  
Location of property: 11950 Falls Rd., W/S, 2200 NW/Broadway  
Location of Sign: Falls Rd. W/S, 2200 NW/Broadway  
Remarks: See map  
Posted by: [Signature] Date of return: 7/23/93  
Number of Signs: 1

#### CERTIFICATE OF PUBLICATION

TOWSON, MD., July 22, 1993

THIS IS TO CERTIFY, that the proposed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 22, 1993.

THE JEFFERSONIAN,

A. Henrichsen  
LEGAL AD - TOWSON

NOTICE: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Account: R-001-6180  
Number: 94-13  
CAM

Date: 8/1/93  
Robert Dold  
11950 Falls Road

040-1-250.00  
080-1-35.00  
\$285.00

Please Make Checks Payable To: Baltimore County  
02AR280077HICURC \$285.00  
02AR280077HICURC \$285.00

Cashier Validation

TO: PATIENT PUBLISHING COMPANY  
July 22, 1993 Issue - Jeffersonian

Please forward billing to:  
Deborah C. Dopkin, Esquire  
502 Washington Ave, #220  
Towson MD 21204  
410-339-7100

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-14-SPH (Item 13)  
11950 Falls Road  
W/S Falls Road, 2200' NW of c/l Broadway  
8th Election District - 3rd Councilmanic  
Legal Owner(s): Robert E. Dold  
Contract Purchase(s): Dennis Paddy  
HEARING: MONDAY, AUGUST 9, 1993 at 2:00 p.m. in Rm. 118, Old Courthouse.

Special Hearing to approve an amendment to the special hearing granted in case 889-204-SPH to permit the addition of a barber shop within the existing facility as a permitted use.

[Signature]  
LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

August 2, 1993

Deborah C. Dopkin, Esquire  
502 Washington Avenue STE 220  
Towson, MD 21204

RE: Case No. 94-14-SPH, Item No. 13  
Petitioner: Robert E. Dold, et al  
Petition for Special Hearing

Dear Ms. Dopkin:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on July 8, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.



Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

Ms. Helene Kehring  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No. 13 (CAM)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

[Signature]  
for John Contestable, Chief  
Engineering Access Permits  
Division

My telephone number is \_\_\_\_\_  
Teletypewriter for Impaired Hearing or Speech  
383-7656 Baltimore Metro - 885-0481 D.C. Metro - 1-800-495-5082 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

#### BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: July 22, 1993

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):  
Item Nos. 13 and 15.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey M. Long  
Division Chief: Carly L. Kins

PK/JL:lw

ZAC.15/ZAC1



BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

August 5, 1993

TO: Zoning Commissioner's Office  
MS #2112

FROM: Thomas H. Ernst  
Ground Water Management

SUBJECT: REVISED COMMENTS - PETITION FOR SPECIAL HEARING #13  
11950 FALLS ROAD

This office has been in communication with the Petitioners in this matter. The Petitioners have been advised of the technical concerns regarding the physical limits of the existing on-site utilities.

Currently the Petitioners are gathering data in support of the proposed use and additional time will be required in analysis of this data upon its availability.

It is the revised recommendation of this office, that you reserve your decision on this petition until this office makes final determination on the feasibility of the proposal.

THE:

C: Donald C. Outen  
Deborah Dopkins, Esq. (FAX: 339-7107)

#13/GWMAOM

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

July 30, 1993

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management

FROM: J. Lawrence Pilson  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #13  
THE RIDGE STORE, 11950 FALLS ROAD  
Zoning Advisory Committee Meeting of July 19, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item:

The subject site is a difficult site with a replacement septic system installed under permit in 1991 which considered the existing use of country store and lawn and garden center. The proposed use as a barber shop and other similar uses which could occur, if approved, may be considered "high water use" and could lead to failure of the existing septic system. Insufficient data exists to indicate that the reconstructed septic system could be further repaired or expanded.

Recommendation from Ground Water Management is for disapproval.

JLP:pms

RIDGE/TXTSBP

BALTIMORE COUNTY, MARYLAND  
Inter-Office Correspondence

TO: Zoning Advisory Committee

FROM: Captain Jerry Pfeiffer

SUBJECT: July 26, 1993 Meeting

DATE: July 16, 1993

#8 No Comments

#9 No Comments

#11 No Comments

#12 Buildings shall comply with the 1991 Life Safety Code. Fire hydrant locations need to be shown.

#13 Building shall comply with the 1991 Life Safety Code.

#14 No Comments

#15 No Comments

#16 No Comments

RECEIVED

JUL 28 1993

ZADM

Helen  
Kehring

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER  
W/S Falls Rd., 2200' NW of  
C/L Broadway (11950 Falls Rd.), : OF BALTIMORE COUNTY  
8th Election District,  
3rd Councilmanic District : Case No. 94-14-SPH

ROBERT E. DOLD, Owner;  
DENNIS PEDDY, Contract Purchaser;

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
Peter Max Zimmerman  
People's Counsel for Baltimore County

Carole S. Demilio  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-2188

I HEREBY CERTIFY that on this 23rd day of July, 1993,  
a copy of the foregoing Entry of Appearance was mailed to Deborah C.  
Dopkin, Esquire, 502 Washington Ave., Suite 220, Towson, MD 21204,  
Attorney for Petitioner.

Peter Max Zimmerman  
Peter Max Zimmerman

JUL 23 1993

ZADM

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

February 18, 1993

(410) 887-3353

Maurice Offit, Esquire  
Offit & Kurman, P.A.  
8 Park Center Court  
Suite 200  
Owings Mills, MD 21117

RE: Approval of a Barber Shop Use  
within the Non-Conforming Uses  
Approved in Zoning Case #89-204-SPH  
11943 & 11950 Falls Road  
District: 8c3

Dear Mr. Offit:

Reference is made to your request of February 4, 1993 for an opinion letter. You have requested on behalf of your client, Dennis Peddy, an opinion that a proposed barber shop use would not adversely affect the nonconforming use that was approved by the Zoning Commissioner in the above referenced case.

You have pointed out that the proposed barber shop use would occupy around 300 square feet and that the uses documented at the public hearing would continue as approved with the barber shop as an accessory activity. You also mentioned that no exterior construction would be required to accommodate the shop in building "A".

This office has reviewed your letter, the plans, and the zoning case and the barber shop use may very well be accessory in area extent or purpose to the other uses as approved on the property. However, it is not clear that the shop would be customarily incidental to or a mere intensification of the existing uses (similar to lawn and garden supplies being accessory to plant and tree sales). The following questions remain: Is the barber shop a customary outgrowth or common refinement of the original legally established nonconforming use? What use would the barber shop have derived from and what is the connection? In addition to meeting the legal benchmarks to justify a finding that the proposed use is accessory, there must be a finding that the proposed use is not "different", but possibly only an intensification of the original use.

Maurice Offit, Esquire  
February 18, 1993  
Page 2

I have reviewed and considered carefully the points you raise in your letter. As a result, I will approve the inclusion of the barber shop within the existing building under the following conditions:

1. no exterior construction of any kind; and
2. if anyone objects or files a complaint about a possible intensification of the nonconforming use, your client must, within 30 days of the issue being raised, file a petition for special hearing with this office, which will go before the Zoning Commissioner for a decision as to whether the use is permissible within the parameters of the decision rendered in case #89-204-SPH; and
3. if no petition is so filed, your client will insure immediate cessation of the barber shop; and
4. if the Zoning Commissioner, or the Board of Appeals on appeal, should decide that the barber shop constitutes an intensification and is therefore prohibited, your client will insure immediate cessation of the use.

If your client agrees to the above conditions, your client will require a use permit from this office. You may contact Carl Richards of this office (887-3391) for details.

Very truly yours,

Arnold Jablon  
Director

scj

cc: W. Carl Richards, Jr.

STATE OF MARYLAND  
DEPARTMENT OF LICENSING AND REGULATION  
STATE BOARD OF BARBERS

CERTIFIED THAT  
SALLY MELINDA SECOLA  
IS AN AUTHORIZED  
MASTER BARBER

8411 5/31/95 N/A 05  
LIC. REG. NO. EXPIRATION DATE EFFECTIVE DATE CATEGORY  
8411 5/31/95 N/A 05  
LIC. REG. NO. EXPIRATION DATE EFFECTIVE DATE CATEGORY

RD 3 BOX 433  
L GLEN ROCK

PA 17327-0000

17119587

CHESTNUT RIDGE  
COMMUNITY  
ASSOCIATION

P. O. Box 238  
Owings Mills, MD 21117

August 5, 1993

Lawrence E. Schmidt  
Zoning Commissioner for  
Baltimore County  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: 11950 Falls Road  
Case No. 94-14-SPH (Item 13)

Dear Mr. Schmidt:

With regard to the above-captioned Special Hearing, I am enclosing a letter dated April 9, 1993 from the Falls Road Community Association, Inc. and a letter dated April 19, 1993 from our community association, both to Dennis Peddy of the Ridge Store. We thought these should be part of the file with regard to this matter.

On another matter, we find it unusual that this property was posted for a "public" hearing simultaneous with the closing of Falls Road. This property is located at 11950 Falls Road. If posting the property is for the purpose of notifying property owners in the immediate area, we would like to know whether the posting, were the road has been closed, satisfies that goal.

Thank you for your attention to these matters.

Sincerely,

CHESTNUT RIDGE COMMUNITY  
ASSOCIATION OF BALTIMORE COUNTY, INC.

Neal M. Brown  
President

NMB:mta/chestnut.001

cc: Charles H. Schmenner, President  
Falls Road Community Association  
Margaret Morral, Executive Director  
Valleys Planning Council

Mr. Arnold Jablon  
Director of ZADM  
111 West Chesapeake Ave.  
Room 109  
Towson, MD 21204

re: Item #14

Dear Mr. Jablon,

Please include this letter in my petition for variance, Item #14. There are several points that will be better explained by this letter.

A little background is in order. In 1984, I had a licensed contractor add a 16' x 22' family room addition to the North side of my dwelling. The building permit on file (as well as my copy) is incomplete and does not show or list any setback data. This addition is within 2' to 3' of my North property line. I do own the adjoining parcel, though. I do not have the site plan for that construction and am not quite sure how the 1984 permit was obtained.

My father-in-law has offered experienced, cheap labor to help me construct a little more additional living space in the form of a small (12' x 14') room addition on the back or West side of my house. In order to obtain a permit for this construction I need variances on technically three points.

- 1) The 1984 construction, for whatever reason, is apparently less than the 5' setback to my North property line. This new room addition would be the same distance (approximately 2'-3') to the property line as well. I own the adjacent land (and did during the 1985 construction) which is indeed classified as a *parcel* and hence could not be built on anyway. I have no intentions of starting construction on this land and have improved it with total perimeter fencing and trees.
- 2) The rear of this proposed new addition would be 16' from my rear (West) property line and hence, was the primary reason that I started the variance process. This boundary is bordered by a wooded, undeveloped parcel zoned BL-CNS. I would like to install a window in this wall to enjoy the pleasant view of this land.
- 3) The 1984 room addition was constructed with no windows on the side that faces North. I specified this so as to maintain the original construction look

12548 Gracewood Drive  
Baltimore, MD 21220-1238  
July 9, 1993

RECEIVED  
JUL 12 1993

ZADM

111 West Chesapeake Avenue  
Towson, MD 21204

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

February 10, 1993

(410) 887-3353

Don't use OFFICE, Esquire  
OFFICE & Korman, P.A.  
a Park Center Court  
Suite 200  
Crownsville, MD 21117

RE: Approval of a Barber Shop Use  
within the Non-Conforming-Uses  
Approved in Zoning Case #89-204-SPH  
11943 & 11950 Falls Road  
District: 8c3

Dear Mr. OFFICE:

Reference is made to your request of February 4, 1993 for an opinion letter. You have requested on behalf of your client, Dennis Peddy, an opinion that a proposed barber shop use would not adversely affect the nonconforming use that was approved by the Zoning Commission in the above referenced case.

You have pointed out that the proposed barber shop use would occupy around 300 square feet and that the use documented at the public hearing would continue as approved with the barber shop as an accessory activity. You also mentioned that no exterior construction would be required to accommodate the shop in building "A".

This office has reviewed your letter, the plans, and the zoning case and the barber shop use may very well be accessory in area extent or purpose to the other uses as approved on the property. However, it is not clear that the shop would be customarily incidental to or a mere intensification of the existing uses (similar to lawn and garden supplies being accessory to plant and tree sales). The following questions remain: Is the barber shop a customary outgrowth or common refinement of the original legally established nonconforming use? What use would the barber shop have derived from and what is the connection? In addition to meeting the legal benchmarks to justify a finding that the proposed use is accessory, there must be a finding that the proposed use is not "different", but possibly only an intensification of the original use.

IN RE: PETITION FOR SPECIAL HEARING  
WS Falls Road, 2200' NW  
Brookside Road  
(11943 & 11950 Falls Road)  
3rd Councilmanic District  
8th Election District  
Legal Owner: Robert Dold,  
Contract Purchaser:  
Dennis Peddy

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
CASE # 89-204 SPH

FINDINGS OF FACT AND CONCLUSION OF LAW

The Petitioner herein requests approval of a nonconforming use for a Country Store, with Food and Grocery Sales and Deli operation, Household Hardware, and Lawn Mower Sales and Service with Plant and Tree Sales, Christmas Tree Sales and Accessory Lawn and Garden Supplies and Equipment for sale, the property being located at 11942-11950 Falls Road, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, Dennis Peddy, appeared and testified. He was represented by Steven I. Betoff, Esquire. The Petitioner was supported in his request by the testimony of the legal owner, Robert Dold, and several other witnesses; namely, Barbara Jung, Mr. Louis J. Pucci, Mr. and Mrs. N.R. Griffin and Mr. Robert J. Hoffman. Mr. Pryor also appeared and testified that the site surveyor and plan prepared by John Etzel is correct and accurately represents the improvements on the land. There were no Protestants.

The Petitioner has requested that a nonconforming use be established upon the 1.5 acre lot of ground known as 11950 and 11942 Falls Road. The land is currently zoned R.C.5 and is improved with three buildings and parking areas. The site plan was accepted as Petitioner's Exhibit 1. The nonconforming use requested is for a General Store with Gasoline Sales.

Section 104--NONCONFORMING USES [B.C.Z.R., 1955.]

104.1--A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these regulations; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, the right to continue or resume such nonconforming use shall terminate. [B.C.Z.R., 1955; Bill No. 18, 1976; Bill No. 124, 1991.]

104.2--A structure damaged to any extent or destroyed by fire or other casualty may be restored within two years after such destruction or damage but may not be enlarged. In the case of residentially used structures which are nonconforming in density, the number of dwelling units or density units rebuilt may be equal to but may not exceed the number of units which existed before the casualty. [Bill No. 124, 1991.]

104.3--No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of the building so used. This provision does not apply to structures or uses restored pursuant to Section 104.2, except as authorized by the zoning commissioner pursuant to Section 307. [Bill No. 124, 1991.]

104.4--Exception. Any contrary provision of these regulations notwithstanding, an office building that was authorized by grant of a special exception and that becomes damaged to any extent or destroyed by casualty may be fully restored in accordance with the terms of the special exception. [Bill No. 167, 1980; Bill No. 124, 1991.]

104.5--Any use which becomes or continues to be nonconforming which exists within the Chesapeake Bay Critical Area on or after the effective date of this subsection is subject to the provisions of Section 104.1, Section 104.2 and Section 104.3 above, and to the provisions of Section 307.2, BCZR. [Bill No. 32, 1988; Bill No. 124, 1991.]

104.6--A striptease business lawfully operating prior to the effective date of this legislation that is in violation of the requirements contained herein shall be deemed a nonconforming use. A striptease business which is a nonconforming use:

1. shall be permitted to continue for a period not to exceed one (1) year, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more; and
2. shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. [Bill No. 137, 1990.]

LAW OFFICES  
ROSOLIO, SILVERMAN & KOTZ, P.A.  
SUITE 200, NOTTINGHAM CENTRE  
502 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204-4513

TELEPHONE 410-339-7100  
FAX NO. 410-339-7107

June 3, 1993

DEBORAH C. DOPKIN

Charles H. Schmenner, President  
Falls Road Community Association, Inc.  
P.O. Box 555  
Brooklandville, Maryland 21022

Re: The Ridge Store  
11943 and 11950 Falls Road

Dear Mr. Schmenner:

This firm has been retained by Mr. Dennis Peddy with respect to the use of the above-captioned property. Mr. Peddy has referred your letter of April 9th to us for a reply and clarification.

As you correctly state in your letter, Mr. Peddy would like to utilize a portion of the space in the store for a licensed barber shop.

Mr. Peddy has asked that I clarify with you, the scope of operations permitted under a barber's license, since only those operations would be conducted within the barber shop. Barbering, however, includes customary hair services other than merely cutting hair and trimming beards.

The Maryland Annotated Code Business Occupations and Professions, Title 4, requires that a barber be licensed in accordance with state law to practice barbering. Under the law, "practice barbering" includes the following enumerated services:

1. Cutting, razor cutting, styling, relaxing, body waving, shampooing, or coloring the hair;
2. Shaving or trimming the beard;
3. Massaging the face;
4. Designing, fitting, or cutting a hair piece;
5. Performing any other similar procedure on the hair, beard, face or hair piece of the individual.

LAW OFFICES  
ROSOLIO, SILVERMAN & KOTZ, P.A.

Mr. Charles H. Schmenner  
June 3, 1993  
Page 2

The practice of barbering does not include the sale of wigs or hair pieces.

Thus a barber shop, licensed to practice barbering, is authorized to perform the listed services and has a duty to provide such services to members of the public. There are fewer services permitted under a barber's license than under a cosmetologist license.

The Code further provides that the area of the premises used for a barber shop must be physically separated from any other business conducted on the premises.

Mr. Peddy is willing to place limitations on the proposed use, with the express understanding that the services offered will be those defined by law for the practice of barbering. Other limitations (following the numbering of items 1 through 7 in your April 9th letter) shall include:

1. The physical portion and location of the existing building (300 square of the south end) will be utilized for barbering operations;
2. Use of the facility will be limited to the practice of barbering as defined in the Maryland Annotated Code, Business Occupations and Professions Article, Section 4-101;
3. The number of barber chairs to be installed will be two (2) and there will be one (1) shampoo station; the maximum number of barbers to be employed at the premises will be two (2);
4. The present exterior appearance of the building and surrounding area will be retained; however routine and necessary maintenance shall be permitted, and the addition of a one sided sign, mounted on the building, the size of which shall not exceed two (2) square feet in area, shall be permitted;

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
A. Douglas McComas	Falls Rd. Comm. 1555
CHARLES SCHMENNER	P.O. Box 555, Brooklandville, MD 21022
Deborah Dopkin	" "
BAUCE E. DOLK	502 Washington Ave 21204
JAMES DECORA	Georgetown, Va
DENNIS PEDDY	320 E. Towson Town Blvd 21204
	633 Bellvue St. Baltimore 21227
	15 S. Hill Park St. - Colverville

Mr. Charles H. Schmenner  
June 3, 1993  
Page 3

5. Customer access to the barber shop shall be from the exterior of the building;
6. The days and hours of operations shall be Tuesday through Friday from 10:00 a.m. to 7:00 p.m. and Saturday from 9:00 a.m. to 3:00 p.m.;
7. The operators of the barber shop will comply with county and state health, zoning, and other applicable regulations;
8. Waste water from the barber shop will be disposed of in a holding tank that is monitored and which will be pumped for removal by a licensed waste removal company.
9. Any lease of the area of the premises for a barber shop will include a copy of this letter among the pertinent lease terms.

In consideration of these limitations, the Falls Road Community Association, Inc. will not oppose the proposed use, nor will it endorse or approve such use. Your letter further states that your association assumes no responsibility for zoning or other questions that may arise in connection with the proposed operation, and that the position of the association shall not be interpreted as justification for, or support of, rezoning or other changes in the future at this, or any other location. Mr. Peddy is aware of and understands the association's position.

Mr. Peddy has indicated his agreement to the terms and conditions set forth herein by signing the attached copies of this letter. He has asked me to express his appreciation to you for the courtesy that the Falls Road Community Association has extended to him at your recent meeting.

I would appreciate your also signing one copy of the attached letter and returning it to me. Thank you.

Very truly yours,

ROSOLIO, SILVERMAN & KOTZ, P.A.

Deborah C. Dopkin



Mr. Charles H. Schmenner  
June 3, 1993  
Page 4

Read and Acknowledged This 4 Day of June, 1993

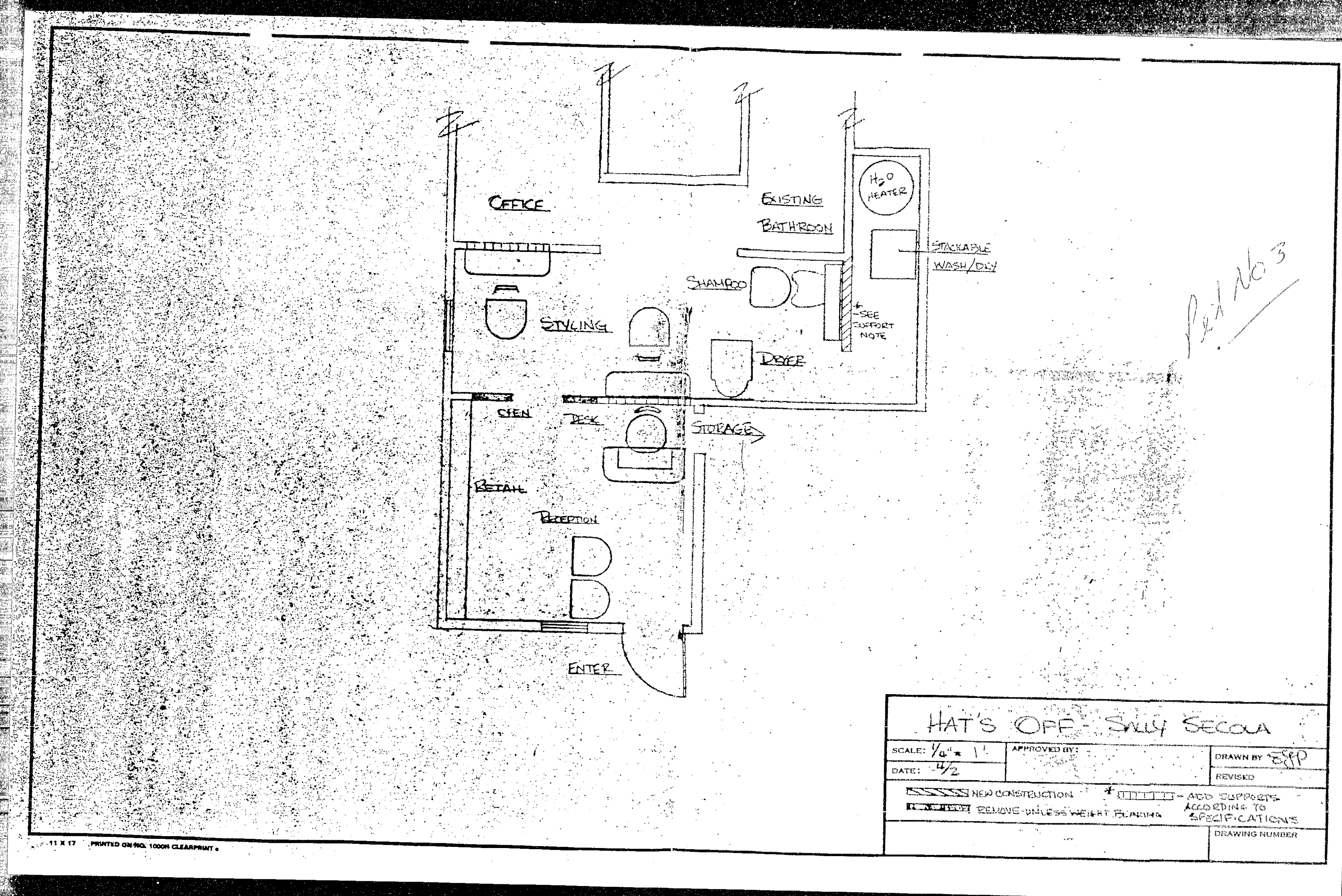
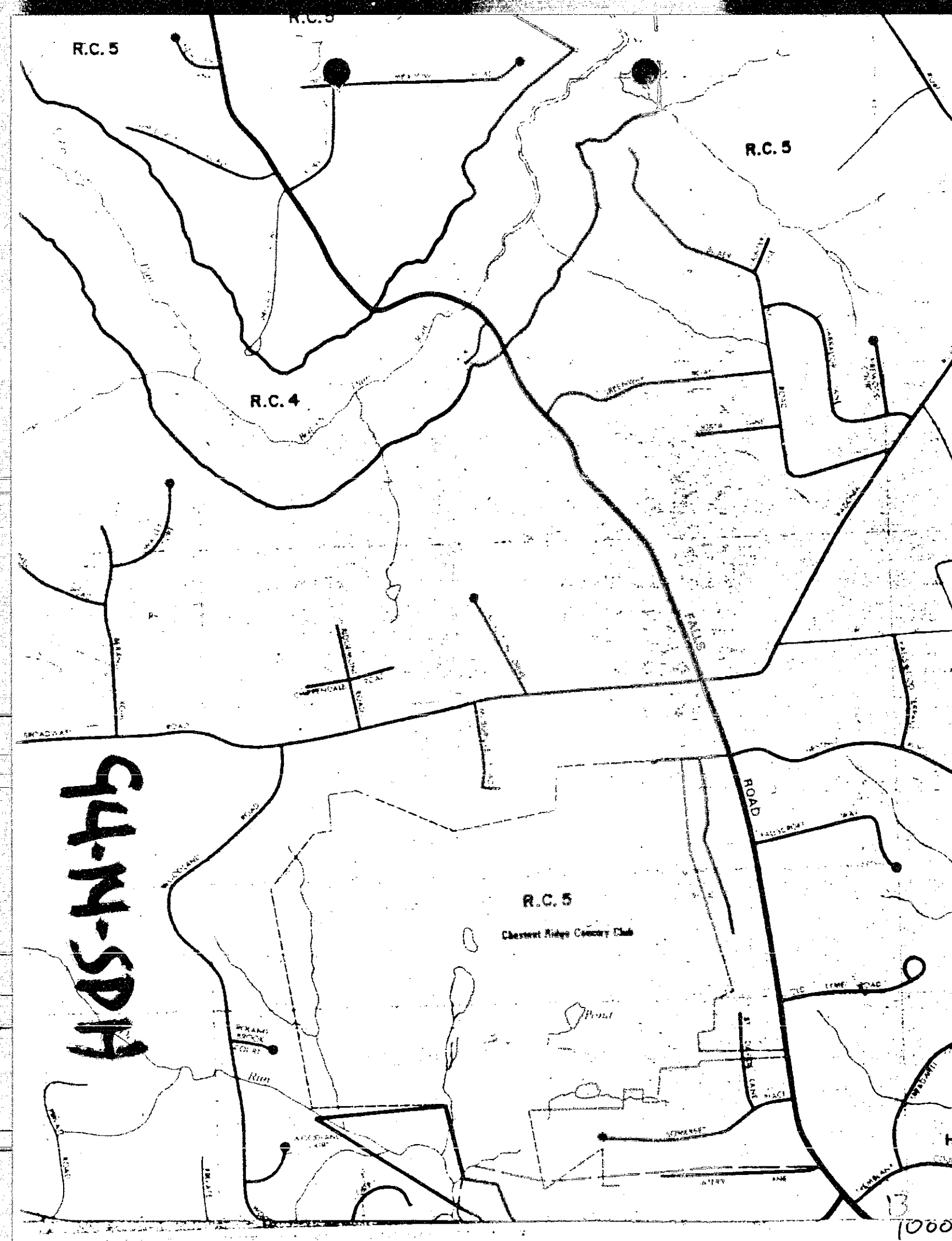
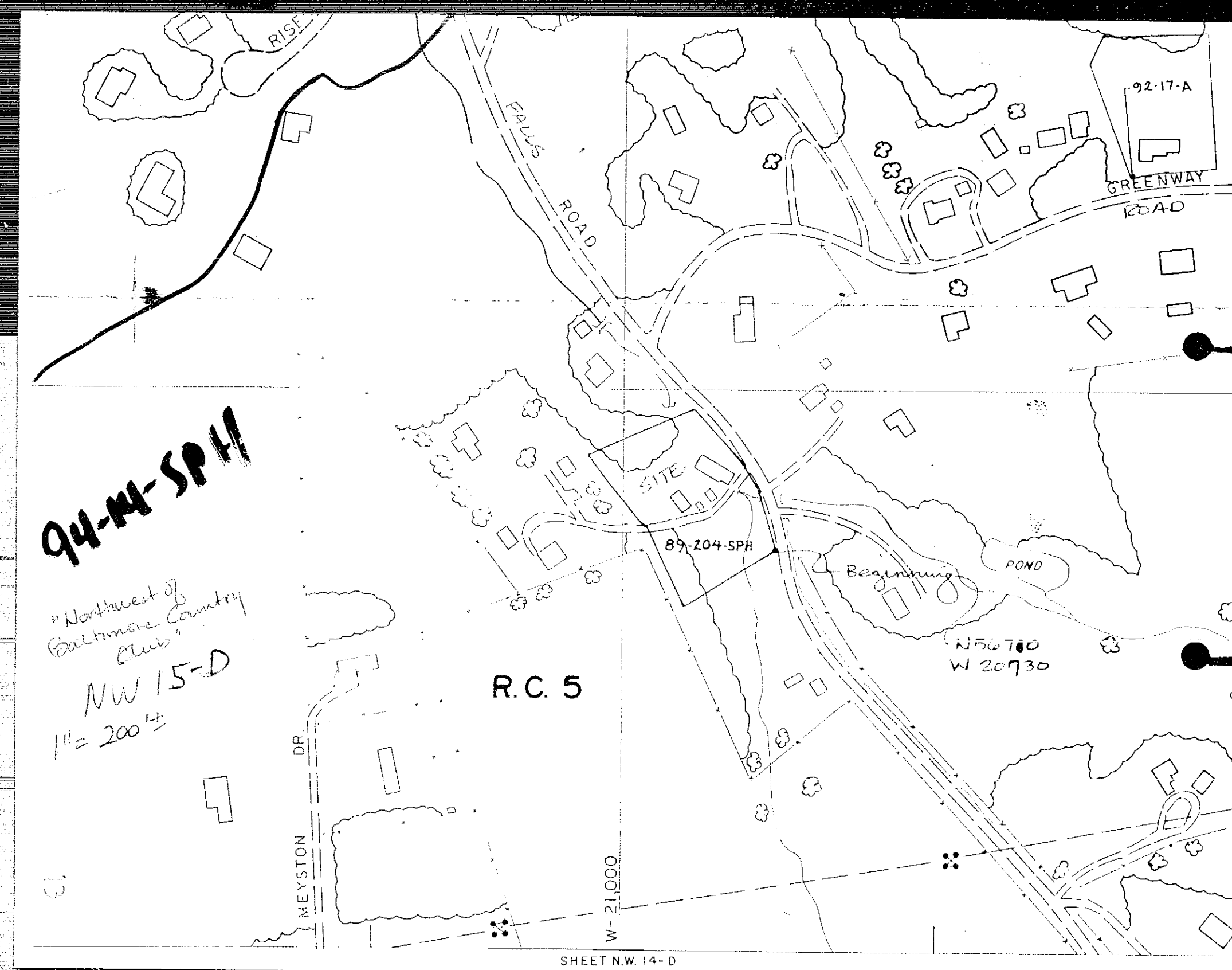
By: [Signature]  
Dennis Peddy

Read and Acknowledged This    Day of June, 1993

Falls Road Community Association, Inc.

By: [Signature]  
Charles H. Schmenner, President

For: [Signature]  
Dennis Peddy









J.M. MYERS, JR.  
J.O. MYERS  
E.H.K.Jr. 6075-870  
#08-19-096170  
R.C-5

R.K. SCHEELER  
C.M. SCHEELER  
E.H.K.Jr. 5917-114  
#08-08-002950

ANNE I. DUGAN  
S.M. 8251-732  
#08-03-067175

WILLIAM J. SALLADINI  
E.H.K.Jr. 6736-546  
#08-18-035675

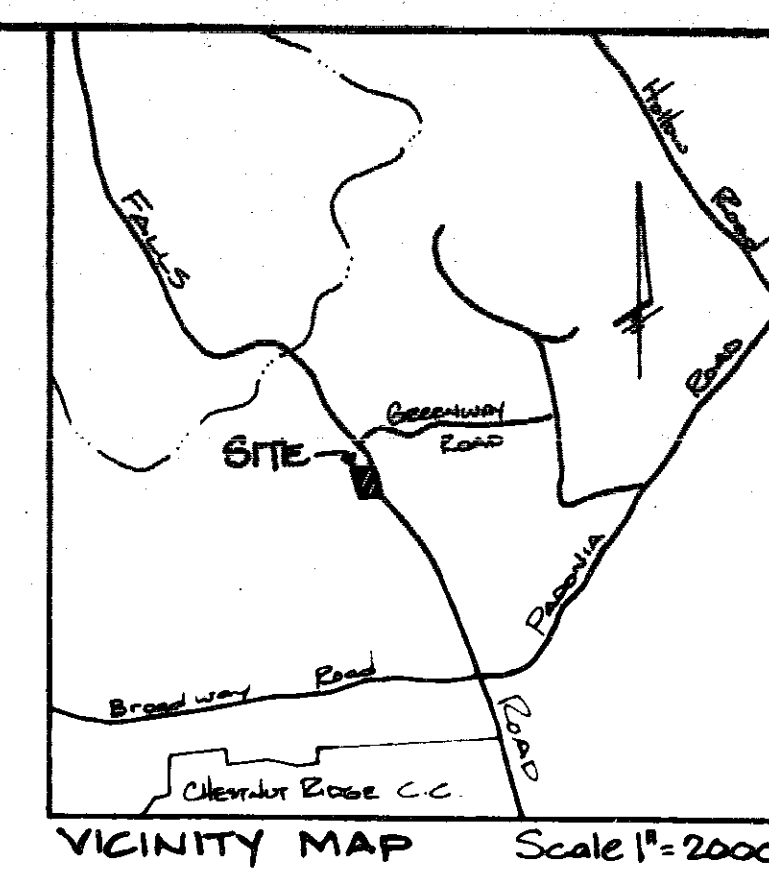
Remaining Land  
ROBERT E. DOLD  
S.M. 8597-103

SHIRLEY L. HOLLOWAY, et al.  
S.M. 8597-105  
#16-00-014222

FALLS ROAD

ROAD

Proposed Location  
of Barber Shop  
200 sq. ft.



Notes:

Zoning Hearing 89-204-SPH - Nov. 30, 1988 - Granted approval for a non-conforming use for a Country Store with Food and Grocery Sales and Deli operation, Household Hardware and Lawn mower sales and service with Plant and Tree Sales, Christmas Tree sales and Accessory Lawn and Garden Supplies and Equipment for sale; not including Contractors or Construction companies, landscaping or trucking or an automobile service garage.

Site Zoned R.C-5

Owner: ROBERT E. DOLD  
11950 FALLS ROAD  
COCKEYSVILLE, MD 21030  
S.M. 8597-103

Acct. No.s 19-00-004961, 08-10-046003, 08-10-046002

BUILDING USES:

- A: Gasoline, grocery, country store
- B: Garden center, Christmas tree sales
- C: Storage shed
- D: Storage shed

FLOOR AREA RATIO:  $2742 \text{ sq. ft. (bldg.)} \div 68082 \text{ sq. ft. (a.c.)} = 0.04$

Proposed Sign: 2 square feet, on side of building

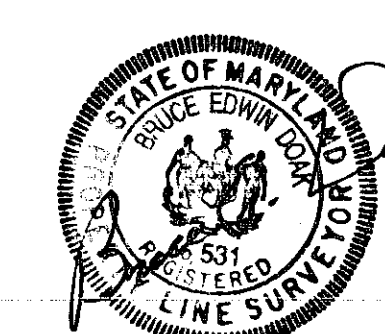
94-14-SPH

PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING  
for approval of a Barber Shop use within the  
Non-Conforming uses approved in Zoning Case No.  
89-204-SPH

THE RIDGE STORE

#11943 and #11950 FALLS ROAD  
8th ELECTION DIST.  
3rd COUNCILMANIC DISTRICT  
BALTIMORE COUNTY, MARYLAND

PETITIONER'S  
EXHIBIT No 1



SCALE: 1"=30' DATE: JULY 7, 1993  
GERHOLD, CROSS & ETZEL  
REGISTERED PROFESSIONAL LAND SURVEYORS  
Suite 100  
320 East Towsontown Boulevard  
Towson, Maryland 21286  
(410) 823-4470